

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

FREE AND FAIR ELECTION)	
FUND, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 16-04332-CV-C-ODS
)	
MISSOURI ETHICS)	
COMMISSION, et al.,)	
)	
Defendants.)	

AMENDED JUDGMENT IN A CIVIL CASE

☐ Jury Verdict. This action came before the Court for a trial by jury.

☒ Decision by Court. This action came to trial or hearing before the Court.

The issues have been determined and a decision has been made.

IT IS ORDERED AND ADJUDGED that pursuant to the Amended Order, Doc. 92, entered by the Honorable Ortrie D. Smith on May 17, 2017:

The Court grants Defendants' first motion to dismiss (Doc. #28). AMEC Plaintiffs' claims against the State of Missouri are dismissed, and their state-law claims are dismissed without prejudice. The Court denies Defendants' second motion to dismiss (Doc. #30). The Court dismisses Count II of FFEF Plaintiffs' Complaint, pursuant to FFEF Plaintiffs' representation that they are abandoning this claim.

The Court partially grants Plaintiffs' motions for permanent injunction. Case No. 17-4006, Doc. #14; Case No. 14-4332, Doc. #18. In granting Plaintiffs' motions, the Court does not enjoin enforcement of Section 23 in its entirety. The Court finds unconstitutional portions of Section 23 are severable consistent with Section 23's severability provision. *See* § 23.8

It is therefore Ordered

1. The Court permanently enjoins Defendants from enforcing Article VIII, Sections 23.3(3) and 23.3(16)(c) of the Missouri Constitution against a corporation or labor organization for making a contribution to a campaign committee that only supports or opposes ballot measures.

2. The Court permanently enjoins Defendants from enforcing Article VIII, Section 23.3(1)(a) of the Missouri Constitution against a person whose contribution to elect a single individual to office in a single election does not exceed \$2,600 per election, allowing for an adjustment of the contribution limit as described in Section 23.3(18).

3. The Court permanently enjoins Defendants from enforcing Article VIII, Section 23.3(1)(a) of the Missouri Constitution against a person who contributes to a continuing committee or political action committee unless the contribution is restricted or designated for a specific candidate as Missouri Ethics Commission Advisory Opinion No. 2017.02.CF.003 provides.

4. The Court permanently enjoins Defendants from enforcing Article VIII, Section 23.3(16)(c) of the Missouri Constitution against a continuing committee or political action committee that accepts contributions from a foreign corporation that has authority to transact business in Missouri pursuant to chapters 347 through 360 of the Missouri Revised Statutes. This is consistent with Missouri Ethics Commission Advisory Opinion No. 2017.02.CF.006.

5. The Court permanently enjoins Defendants from enforcing Article VIII, Section 23.3(12) of the Missouri Constitution's prohibition against political action committees receiving contributions from entities formed outside of chapters 347 through 360 of the Missouri Revised Statutes.

6. The Court permanently enjoins Defendants from enforcing Article VIII, Section 23.3(12) of the Missouri Constitution's prohibition on political action committees receiving contributions from other political action committees.

Defendants requested this Court stay any injunctive relief ordered to allow Defendants the opportunity to appeal this Court's decision. The Court grants this request. The Court stays enforcement of the May 5, 2017 Order for a period of forty-five days after entry of the May 5, 2017 Order.

Date: May 17, 2017

PAIGE WYMORE-WYNN

Acting Clerk of Court

s/ RENE MATTHES MITRA

By: Renea Matthes Mitra, Courtroom Deputy